IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 20609 of 1993

Between:

1. Kommu Chennaiah s/o. K. Balaiah, r/o. Kampana Palli Village,RangaReddy District.

2. Kommu Balaiah S/o. Kommu Mogulaiah, R/o. Kulakcherla Village & Mandal, Ranga Reddy District.

3. Kommu Laxmaiah s/o. Kommu Mogulaiah, R/o. Kulakcherla Village & Mandal, R.R.District.

4. Karudi Narayan Reddy s/o. Bal Reddy, R/o. Kamanpally, Ranga Reddy District.

5. Kindegari Prakash Reddy s/o. Sai Reddy, R/o. Kamanpally Village, Kulakcherla Mandal, Ranga Reddy District.

6. Kodiganti Adivaiah s/o. Sayanna, r/o. Kamanpally Village, Kulakcherla Mandal, Ranga Reddy district.

7. P. Srinivas Reddy, s/o. Kista Reddy, R/o. Kamanpally Village, Kulkcherla Mandal, R.R.District.

8. Lakshman Prasad s/o. Mahadev Prasad, R/o. Kulakcherla Village & Mandal, R.R.District.

9. Bilakanti Rami Reddy, s/o. Bachi Reddy, R/o. Kulkcherla Village and Mandal, R.R.District, **..... PETITIONERS**

AND

1. The Revenue Divisional Officer, Chevella, Ranga Reddy District, Hyderabad.

2. The Assistant Engineer, Irrigation, Pargi, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pleased to issue a writ or mandamus declaring action of the respondents in constructing a canal which passes through Sy.Nos. 827,826,825,824,and 822/A

without following the procedure laid down under Telangana Area Irrigation Act, A.P. (Irrigation, Construction, Construction and Maintenace Act, A.P. (Irrigation, Costruction and Mainteance of Water course) Act, 1965 and Land Acquisation Act is Bad illegal, arbitrary and violative of construtional right and pass.

Counsel for the Petitioners :MR.K.VIJAYA RAO (Not present)

For the Respondents :GP FOR IRRIGATION & COMM AREA DEV.

The Court Made the Following :

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 20609 of 1993

ORDER:

Learned counsel for the petitioners is absent. There is no representation on his behalf.

The writ petition was admitted on 13-06-1994. This Court granted interim direction by order dated 31-12-1993. The interim order reads thus:

> " Pending further orders, there shall be an interim direction not to take over possession of the petitioners' lands for the purpose of executing the work or otherwise unless 80% of the market value of lands as provisionally estimated by the first respondent is deposited with the first respondent. Notice. "

The matter pertains to construction of a canal through the petitioners' land. The allegation of the petitioners is that without issuing any notice and without following the due process of law, the respondents are proposing to construct the canal. It is not known whether the construction of canal as alleged by the petitioners was under taken or not. No counter is filed by the respondents as well.

In the circumstances, no further orders are required to be passed in this writ petition and the writ petition stands disposed of in terms of interim order. No costs.

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kvr/nrg 1st July, 2004

To

1. The Revenue Divisional Officer, Chevella, Ranga Reddy District, Hyderabad.

2. The Assistant Engineer, Irrigation, Pargi, Ranga Reddy District.

3. Two C.Cs to the G.P. for Irrigation and Comm. Area Development, AP High Court Buildindgs, High Court of A.P., Hyderabad (O.U.T.)

4. Two C.D. copies.